

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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E. JEAN CARROLL,

Plaintiff,

-against-

20-cv-7311 (LAK)

DONALD J. TRUMP in his personal capacity,

Defendant.
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ORDER

LEWIS A. KAPLAN, *District Judge*.

On September 8, 2020, the United States of America (1) purported to remove this action from the Supreme Court of the State of New York pursuant to the Westfall Act, and (2) filed a motion to substitute itself for Donald J. Trump in his personal capacity as the defendant.

When a defendant removes an action from a state court, the defendant is obliged to attach to the notice of removal that the defendant must file in the federal court “a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.” 28 U.S.C. § 1446(a). The United States’ notice of removal attached as exhibits papers from the state court but omitted all exhibits to those papers while promising that it would lodge the entire state court record separately. Notice of removal [Dkt. 1, ¶ 6 & n. 1]

Today the United States filed a notice of the lodging of the entire state court record as of the time of removal. [Dkt. 12] Attached to that notice are 820 pages that comprise 12 attachments. These are described as follows:

Attachment	Description		
1	Process, Pleadings, and Orders Part 1	114 pages	5.7 mb
2	Process, Pleadings, and Orders Part 2	159 pages	7.3 mb
3	Process, Pleadings, and Orders Part 3	7 pages	2.6 mb
4	Process, Pleadings, and Orders Part 4	6 pages	9.3 mb
5	Process, Pleadings, and Orders Part 5	13 pages	6.0 mb
6	Process, Pleadings, and Orders Part 6	149 pages	6.4 mb
7	Process, Pleadings, and Orders Part 7	38 pages	6.0 mb
8	Process, Pleadings, and Orders Part 8	35 pages	7.9 mb

9	Process, Pleases [<i>sic</i>] and Orders Part 9	75 pages	6.4 mb
10	Process, Pleadings, and Orders Part 10	113 pages	8.6 mb
11	Process, Pleadings, and Orders Part 11	85 pages	7.1 mb
12	Process, Pleadings, and Orders Part 12	24 pages	7.0 mb
		820 pages	80.4 mb

Section 5.1 of the ECF. Rules & Instructions of this Court provides:

“Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless the Court permits paper filing. Exhibits must be filed as attachments to the main document. *Each attachment must be clearly titled so the subject of the exhibit is clear.* The filing of exhibits in text searchable format is encouraged, but not required.” (Emphasis added)

Accordingly, the United States, on or before September 18, 2020, shall file the entire state court record as of the time of removal. Each separate paper shall be filed as a separate numbered attachment, shall be clearly titled so that the subject of the attachment is clear, and shall show the date of the attachment. Attachments shall be listed in chronological order.

SO ORDERED.

Dated: September 14, 2020



Lewis A. Kaplan
United States District Judge